

U.S. DEPARTMENT OF LABOR

SECRETARY OF LABOR
WASHINGTON, D.C.

DATE: June 7, 1988
CASE NO 83-CPA-14

IN THE MATTER OF

U.S. DEPARTMENT OF LABOR

v.

SPOKANE CITY-COUNTY EMPLOYMENT
AND TRAINING CONSORTIUM AND CAREER
PATH SERVICES

BEFORE: THE SECRETARY OF LABOR

ORDER DENYING REQUEST FOR RECONSIDERATION

Before me is a request by counsel for Spokane City-County Employment and Training Consortium (Spokane) that I review my decision not to assert jurisdiction in this case, notice of which was received by Spokane in a letter dated May 11, 1988. I have also received a letter, dated May 24, 1988, from counsel for the Grant Officer.

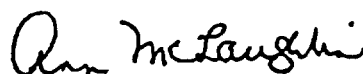
Pursuant to Section 106(d)(1) of the Comprehensive Employment and Training Act (CETA), 29 U.S.C. §§ 801, 816(d)(1), (Supp. V 1981), the Secretary has the authority to order such sanctions as are appropriate including the repayment of misspent funds if prior notice and an opportunity for a hearing have been given to the recipient. The regulations pertaining to such a hearing are found at 20 C.F.R. §§ 676.88 through 676.93 (1987). Section 676.91(f) states that the decision of the administrative law judge (**ALJ**) shall become the final decision of the Secretary unless the Secretary, within 20 days of the filing of exceptions

by a dissatisfied party, has notified the parties that the case has been accepted for review. The acceptance of a case for review is solely within the discretion of the Secretary.

The **ALJ's** April 6, 1988, decision in this case affirmed the Grant Officer's disallowance of **\$9,779.97** of Spokane's **CETA** program expenditures, and further stated that his decision was subject to the Secretary's consideration of the special circumstances averred by Spokane. This latter comment merely paraphrases the language found in the pertinent regulation regarding the Secretary's discretion. The AL.7 lacks the authority to commit the Secretary in any manner whatsoever when that matter is solely within the Secretary's discretion. In any case arising under CETA, the **ALJ's** decision is subject to review if a dissatisfied party files timely exceptions to it and if the Secretary chooses to exercise her discretion to accept it for review. However, if the Secretary, in the exercise of her discretion, determines not to accept the case for review, the **ALJ's** decision becomes the final agency action. That is what has occurred in this case.

Spokane's request for reconsideration IS DENIED, and the **ALJ's** decision of April 6, 1988, is the final decision of the Secretary.

SO ORDERED.



Secretary of Labor

Washington, D.C.

CERTIFICATE OF SERVICE

Case Name: U.S. Department of Labor v. Spokane City-
County Employment and Training Consortium
and Career Path Services

Case No. : 83-CPA-14

Document : Order Denying Request for Reconsideration

A copy of the above-captioned document was sent to the
following persons on June. 7, 1988.

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